



Office of:

The Governor
The Secretary
The Treasurer

PUEBLO OF LAGUNA

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ORDINANCE OF THE PUEBLO COUNCIL OF THE PUEBLO OF LAGUNA

Ordinance No. 300-10

Re: Re-Adopting the Pueblo of Laguna Code; Rescinding All Laws Previously Adopted On Same Topic Not Contained in the Code

WHEREAS, the Pueblo of Laguna ("Pueblo") is a federally recognized Indian Tribe with a constitution and all the inherent governmental powers of a sovereign; and

WHEREAS, pursuant to Article IV(2)(e) of the Constitution, the Pueblo Council is authorized to exercise the inherent powers of the Pueblo, including the inherent authority to establish ordinances governing the conduct and civil relations of residents of the Pueblo and providing for the maintenance of law and order and the administration of justice within the lands of the Pueblo;

WHEREAS, pursuant to this authority, the Pueblo Council has adopted ordinances and laws (sometimes referred to as codes) which were published by disseminating the information at village meetings and making copies of the laws and ordinances available at the tribal offices;

WHEREAS, in recognition of the value of compiling the laws and ordinances into a single volume that would be widely available, the Pueblo copied and gathered all the ordinances into a single volume entitled the Pueblo of Laguna Code which was presented to Council on September 9, 2008; and

WHEREAS, in addition to compiling the laws and ordinances of the Pueblo, the single volume set out a uniform method of organization, with standardized terms and references. The single volume also contained a copy of the Constitution of the Pueblo, the historical constitutions of the Pueblo and other reference documents; and

WHEREAS, the compilation did not substantively change the laws and ordinances; and

WHEREAS, by Ordinance No. 300-08, the Pueblo Council adopted the Pueblo of Laguna Code and rescinded all other laws and ordinances previously adopted on the same topic not contained in the newly compiled Code. Ordinance No. 300-08 made the adoption and rescission effective September 30, 2008;

Ordinance No. 300-10

WHEREAS, in addition to the copies that were made available to the Pueblo Council and available at the Pueblo Office, Ordinance No. 300-08 further authorized the printing of the Code by an outside publisher in a single volume that would be made available to the Pueblo offices and public; and

WHEREAS, the Code has now been printed by the outside publisher, copies have been delivered to the Pueblo and are ready for distribution; and

WHEREAS, subsequent to the adoption of Ordinance No. 300-08, and before the Code was printed by the outside publisher, there was a court ruling which called into question the effectiveness of Ordinance No.300-08 for criminal cases because of a delay in its printing; and

WHEREAS, that court case is still pending; and

WHEREAS, Ordinance No. 300-08 declared that “if any provision or clause or application of the Code is for any reason held or declared invalid as to any person or circumstance, such invalidity shall not affect other provisions of the Code which can be given effect without the invalid provision or application. The provisions of the Code are declared to be severable”; and

WHEREAS, the Pueblo Council has determined that it is in the best interest of the Pueblo to readopt the newly printed Code so as to remove any doubt as to which law is in effect and to facilitate the distribution and use of the printed Code; and

WHEREAS, the Pueblo Council does not intend by this re-adoption to affect or impact the pending court case.

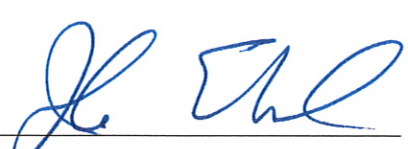
NOW THEREFORE BE IT ORDAINED THAT:

1. The Pueblo of Laguna Code [“Code”] printed by Municipal Code Co. publishers and as attached to this Ordinance is hereby adopted as the laws and ordinances of the Pueblo on the subject matters covered in the attached Code. For all civil matters, this adoption shall be effective as of September 30, 2008. For the criminal sections set out in the attached Code, the adoption shall be effective as of August 31, 2010.
2. Laws and Ordinances on civil matters adopted prior to September 30, 2008 on the same subject as contained in the Code are hereby rescinded effective September 30, 2008.
3. Laws and Ordinances on criminal matters adopted prior to September 30, 2008 on the same subject as contained in the Code are hereby rescinded effective August

31, 2010. If subsequent to August 31, 2010, a criminal charge is made or brought citing the old Criminal Code sections, that matter or charge shall be deemed to have been brought under the new citation set out in the Code.

4. This re-adoption of the Code is not intended to and shall not be deemed to affect any pending criminal cases brought prior to the effective date of August 31, 2010.
5. All laws and ordinances adopted or amended after September 30, 2008 shall remain in effect. The Governors' office, or his designee, shall ensure that the outside publishers receive copies of all laws and ordinances adopted subsequent to September 30, 2008 and such other laws or Ordinances that are not presently included in the Code so that the printed Code may be updated on a regular basis.
6. All laws, ordinances and amendments adopted by the Pueblo Council pursuant to the authority delegated to the Council by the Constitution shall take effect on the date set forth in the Resolution or Ordinance adopting such law, ordinance or amendment regardless of whether the law, ordinance or amendment is incorporated into the printed Code.
- ~ 7. The 2008 election ordinance in the form confirmed and approved by the Council on July 6, 2010 shall govern the 2010 Pueblo elections. Thereafter Title III, Chapter I, Elections, of the Code shall govern as such may be amended by Council actions.
8. The Pueblo Council in its exercise of its inherent and constitutional authority, and in recognition of the traditions and customs of the Pueblo states that the Resolutions and Ordinances of the Council need not be printed in a written form by an outside publisher to take effect. Adoption at a duly called meeting of the Pueblo Council and publication through the minutes of the Council and the village meeting process complies with the requirements of the Pueblo Constitution and traditions and customs of the Pueblo.
9. This Ordinance does not affect policies and regulations which are not included in the printed Code.
10. This Ordinance does not affect or impact the Pueblo Constitution which is included in the Code solely for reference purposes but is not deemed to be altered or amended by its inclusion in the printed Code.
11. If any provision or clause or application of the Code is for any reason held or declared invalid as to any person or circumstance, such invalidity shall not affect other provisions of the Code which can be given effect without the invalid provision or application. The provisions of the Code are declared to be severable.


12. The Governor's office, or his designee, is hereby directed to distribute the copies of the printed Code to the offices of the Pueblo tasked with enforcing the laws of the Pueblo and such other offices or persons that need to regularly consult with the Pueblo's laws to carry out their duties. At least one copy shall be made available to each village and one copy shall be maintained for the public to review at the Pueblo administrative offices. The outside publisher is authorized to sell copies of the printed Code to the public.


Governor


Councilmember



Councilmember

ATTEST:



Secretary

CERTIFICATION

The foregoing Ordinance was enacted by the Pueblo Council of the Pueblo of Laguna on the 20 day of July, 2010, by a vote of 18 in favor, 0 opposed at a duly called meeting at which a quorum of the Pueblo Council was present.


Governor

ATTEST:


Secretary